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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,783	03/12/2004	Tohru Mamata	008312-0308754	5615

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PILLSBURY WINTHROP SHAW PITTMAN, LLP
Eric S. Cherry - Docketing Supervisor
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER	
KARIMI, PEGEMAN	
ART UNIT	**PAPER NUMBER**
2629	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/798,783	MAMATA, TOHRU	
	Examiner	Art Unit	
	Pegeman Karimi	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06/01/2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 7-2-07
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment filed on 06/01/2007 has been entered and considered by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Luther Weindorf (U.S. Pub. No. 2002/0118182 A1).

As to claim 1, Luther Weindorf (Fig. 1) discloses an information processing device (computer, paragraph 23, line 12) comprising:

a display unit (100) whose display brightness level (Table 1, Step Number) is changeable (Paragraph 34, lines 2-3), the display brightness level having a plurality of display brightness levels (Step Number), a difference between the brightness levels adjacent thereto being predetermined (The difference between step 1 and step 2 is predetermined by the value of Photodiode, which is in Amps in Table 1)

means (114) for detecting the lightness of surroundings (paragraph 29, lines 9-12);

means (352) for determining a target display brightness level (paragraph 61, lines 1-4) of the display unit responsive to the lightness detected by the means (114) for detecting the lightness (Paragraph 29, lines 9-12);

means (320) for changing the display brightness level (Paragraph 34, lines 2-3) of the display unit incrementally with time (paragraph 72, lines 11-13) until the display brightness level of the display device reaches the target display brightness level (desired brightness step, paragraph 72, lines 14-15) is reached when changing the display brightness level to the target display brightness level determined by the means (352) for determining the target display brightness level (Paragraph 61, lines 1-4). (Note that when the ambient light changes are large the device waits for a certain time then it jumps to the targeted display brightness).

As to claim 9, this claim differs from claim 1 only in that claim 1 is apparatus where as claim 9 is method. Thus, method claim 9 is analyzed as previously discussed with respect to claim 1 above. Claim 9 is broader than claim 1 because it deletes the limitation "when changing the display brightness level to the target display brightness level" as recited in claim 1.

As to claims 2, 4, and 6 Luther Weindorf discloses an information processing device, wherein the means (320) for changing the display brightness level (Paragraph 34) further includes means for instantly changing the display brightness level (Paragraph 72, lines 15-16) to the brightness level determined by the means (352) for determining the target display brightness level (paragraph 29 and 61) when the

lightness is changed and means (348) for deciding whether to switch the brightness level change by the means (348) for instantly changing (Paragraph 72, lines 15-21).

As to claims 3 and 10, Luther Weindorf discloses an information-processing device wherein:

the means (320) for changing the display brightness level (Paragraph 34, lines 2-3) includes means (352) for setting the display brightness level (paragraph 61, lines 6-9) of the display unit to a first brightness level (Table 1, Sn = 1) responsive to the means (320) for detecting the lightness (Paragraph 38, lines 1-3) when a first brightness level (Table 1, Sn = 1) is detected by the means (320) for detecting the lightness (paragraph 38, lines 1-3) and to a second brightness level (Table 1, Sn = 44) when a second lightness level is detected by the means (320) for detecting the lightness (paragraph 38, lines 1-3), and

the means (320) for changing the display brightness level first changes the display brightness level of the display unit (100) from the first brightness level (table 1, Sn = 1) to a third brightness level (table 1, Sn = 22) between the first and second brightness levels (Sn = 22 is between Sn = 1 and 44), and then changes the display brightness level thereof from the third brightness level (Sn = 22) to the second brightness level (Sn = 44) responsive to the means (352) for setting the display brightness level (paragraph 1, lines 6-8) when changing the display brightness level from the first brightness level (Sn = 1) to the second brightness level (Sn = 44).

As to claim 5 and 11, Luther Weindorf (Fig. 1) discloses an information processing device, wherein the means (352) for changing the display brightness level changes the display brightness level of the display unit from the first brightness level (table 1, Sn = 1) to the third brightness level (table 1, Sn = 22), and thereafter changes the display brightness level from the third brightness level (table 1, Sn = 22) to the second brightness level (table 1, Sn = 44) after a lapse of a predetermined time period (paragraph 72, lines 13-15).

As to claim 7 and 12, Luther Weindorf (table 1, automatic night luminance) discloses an information processing device, which further comprising: means (320) for deciding whether or not the difference between the target brightness level (ex. Table 1, Sn = 10) determined by the means (352) for determining the target display brightness level and the current display brightness level (ex. Table 1, Sn= 20) is greater than a predetermined value (ex. Table 1, Sn = 10, Sn=20 is greater than Sn = 10), wherein

the means (352) for changing the display brightness level changes the display brightness level (paragraph 34, lines 2-3) incrementally with time at predetermined intervals (paragraph 30, lines 24-26, paragraph 72, lines 11-13) until the target display brightness level is reached (paragraph 72, lines 13-15, ex. Sn = 10, desired level) when the means (320) for deciding the difference (The brightness level adjusts until the step number value is close to the logarithmic value, paragraph 38, lines 3-7) decides that the difference is greater (Sn=20 is greater than Sn = 10) than the predetermined value (table 1, Sn = 10), (Paragraph 47, line 8-10).

As to claim 8, Luther Weindorf (table 1, automatic day luminance) discloses an information processing device (computer, paragraph 23, line 12), wherein when the difference is not greater than the predetermined value (table 1, Sn = 20, Sn=10 is not greater than Sn = 20), the means (352) for changing the display brightness level changes instantly the display brightness level of the display unit (paragraph 72, lines 16-21) to the brightness level determined by the means (352) for determining the target display brightness level (paragraph 29 and 61).

Response to Arguments

3. Applicant's arguments filed on 06/01/2007 have been fully considered but they are not persuasive.

On Page 6, paragraph 3, the applicant mentions claims 1-20 have been amended, however, the application has only 12 claims.

On Page 6, paragraph 7, the applicant argues that the target brightness level in the claimed invention is determined based on the lightness detected, wherein the optimum brightness value for current use is determined based on detected data value and settings.

The examiner believes that Weindorf reads on the claim. Weindorf clearly teaches based on the lightness detected (sensor 114 based on the lightness provides a signal, which is converted into current value and adjusts the brightness by comparing the digital value from the sensor with the logarithmic amplifier values (paragraph 47).

On Page 7, paragraph 2, the applicant argues that Weindorf does not teach or suggest determining a target display brightness level of the display unit responsive to the lightness detected by the means for detecting the lightness. The examiner disagrees with the applicant point of view. Weindorf clearly teaches determining a target display brightness level of the display unit (digital value) responsive to the lightness detected by the means for detecting the lightness (logarithmic sensor measures the light, paragraph 47, lines 1-3).

On Page 7, paragraph 2, the applicant argues that Weindorf does have a recitation or suggestion of the brightness level being changed incrementally with time. However, Weindorf clearly teaches the brightness level being changed incrementally with time (the filter determines how many steps are between the desired luminance level and the current display luminance e.g. one step, the number of steps is multiplied by a time constant (may use a counter or other timing devices) to determine a delay period before stepping toward the desire luminance, which can be incrementally, paragraph 72, line 11-18). Moreover Weindorf teaches, "the brightness level is adjusted according to the night or day luminance value" (see [0038]). Thus it is clear that the brightness levels in Weindorf are incrementally with time (e.g. from night to day light).

On page 8, first paragraph, applicant argues that paragraph 72 of Weindorf does not teach or suggest "changing the display brightness level of the display unit incrementally with time". However, Weindorf teaches "the brightness control system may adjust the day time brightness automatically in response to changes in ambient light" (see [0038]). Thus when the ambient light changes from noon to evening (i.e.

time), the brightness of the display is changed in accordance to the change of ambient light.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pegeman Karimi whose telephone number is (571) 270-1712. The examiner can normally be reached on Monday-Thursday 8:00am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen can be reached on (571) 272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Pegeman Karimi
07/30/07

CHANH D. NGUYEN
SUPERVISORY PATENT EXAMINER